



Order Filed on January 12, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

McCABE, WEISBERG & CONWAY, LLC
By: Andrew M. Lubin, Esq. (Atty.
I.D.#AL0814)
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Attorneys for Secured Creditor: Lakeview
Loan Servicing, LLC

In re:

Gary A. Laplante and Kay Anne Laplante

Debtor

Case No.: 18-20036-ABA

Chapter: 13

Hearing Date: November 22, 2022

Time: 10:00 a.m.

Judge: Andrew B. Altenburg Jr.

**ORDER RESOLVING CERTIFICATION OF DEFAULT
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: January 12, 2023



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

Applicant: Lakeview Loan Servicing, LLC
Applicant's Counsel: Andrew M. Lubin, Esquire
Property Involved ("Collateral") 11 William Penn Avenue, Pennsville, New Jersey 08070

Relief Sought: ☒ Certification of Default (Order Resolving COD)
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 42 months, from June 1, 2019 to November 1, 2022 for a total of \$67,941.96.

☒ The Debtor is overdue for 1 payment from June 1, 2019 to June 1, 2019 at \$1,535.51 per month for a total of \$1,535.51; 12 payments from July 1, 2019 to June 1, 2020 at \$1,594.58 for a total of \$19,134.96; 11 payments from July 1, 2020 to May 1, 2021 at \$1,711.66 for a total of \$18,828.26; 13 payments from June 1, 2021 to June 1, 2022 at \$1,653.26 for a total of \$21,492.38; 5 payments from July 1, 2022 to November 1, 2022 at \$1,390.17 for a total of \$6,950.85.

☒ The Debtor is credited with a suspense balance of \$0.00.

Total Arrearages Due: \$67,941.96.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Payment of \$67,941.96 or an approved loan modification by January 20, 2023.

☒ Beginning on December 1, 2022, regular monthly mortgage payment shall continue to be made in the amount of \$1,739.33.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Payment on or before January 20, 2023:

☒ RightPath Servicing
Attn: Bankruptcy Dept
PO Box 619094
Dallas, TX 75261-9741

☒ Regular monthly payment:

☒ Same as above

4. In the event of Default:

☒ If the Debtors fail to make a payment of \$67, 941.96 or fails to be approved for a loan modification by January 20, 2023, then the Secured Creditor may obtain an automatic Order Vacating the Automatic Stay as to the Collateral by filing with the Bankruptcy Court a Certification specifying the Debtor's failure to comply with this Order, and it shall thereafter be the Debtor's burden to reinstate the stay. If the Debtor does not timely make the mortgage payments due December 1, 2022 and January 1, 2023, then the Secured Creditor may obtain an automatic Order Vacating the Automatic Stay as to the Collateral by filing a Certification specifying the Debtor's failure to comply with this Order, and it shall thereafter be the Debtor's burden to reinstate the stay. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtors' attorney.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$200.00.

The fees are payable:

☒ through the Chapter 13 plan.